



October 22, 2019

Doug Liden
Environmental Engineer
U.S. Environmental Protection Agency Region 9
Water Division
75 Hawthorne St.
San Francisco, CA 94105
Via email liden.douglas@epa.gov

Re: Freedom of Information Act Request – Water Quality Data for Tijuana River Valley

Dear Mr. Liden:

This request is a resubmission of Request No. EPA-R9-2019-006208. Surfrider Foundation ("Surfrider") has sought documents regarding this request since June 3, 2019.

Under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, as amended, Surfrider requests from the United States Environmental Protection Agency ("EPA"):

- (1) The report from the EPA-funded research project with the United States Department of Agriculture and San Diego State University to collect soil sample data in Goat Canyon (approximately 100 pages); and
- (2) Any and all correspondence (including emails), dating from February 1, 2017, to December 31, 2017, that discuss or relate to the February 2017 spill where 143 million gallons of raw sewage was diverted into the Tijuana River Valley:
 - (A) Between Doug Liden and Kenneth Wagner, Special Advisor to the EPA Administrator;
 - (B) Between Doug Liden and Steve Smullen of the U.S. International Boundary and Water Commission ("USIWC");
 - (C) Between Doug Liden and Wayne Beltzer of the USIBWC; and
 - (D) Between Doug Liden and Commissioner Edward Drusina of the USIBWC.

FOIA directs a responding agency to make a "determination" on any request within twenty (20) working days of receipt. See 5 U.S.C. § 552 (a)(6)(A)(i). FOIA also requires the release of all reasonably segregable portions of a document that are themselves not exempt. 5 U.S.C. § 552 (b). Should our requests be denied, we request that you inform us of the grounds for denial and the specific administrative appeal rights which are available. See 5 U.S.C. § 552 (a)(6)(A)(i).

Additionally, we request that all charges (e.g., copying and search charges) be waived under 5 U.S.C. § 552(a)(4)(A)(iii). The requested information is not sought for commercial purposes, and disclosure of the impacts of the Tijuana River Valley is in the public interest. Surfrider is a nonprofit, public interest organization and the

requested information is for the public benefit. The requested documents are sought to ensure conformance with environmental laws and regulations and to educate our members and the public on the impacts to the Tijuana River Valley and adjacent coastal areas. Under these circumstances, Surfrider is entitled to a fee waiver. See *Carney v. Department of Justice*, 19 F.3d 807 (regarding the ability of requester to disseminate information); *Larson v. CIA*, 843 F.2d 1481 (D.C. Cir. 1988) (stating fee waiver is proper where information is not sought for commercial purposes, and where disclosure would contribute significantly to understanding of government operations or activities).

If you have any questions regarding this request, please feel free to call me at 301-752-3093. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Fuqua', with a stylized flourish extending from the end.

Robert B. Fuqua
Legal Intern
Surfrider Foundation
PO Box 73550
San Clemente, CA 92673
(301) 752-3093
rfuqua@surfrider.org

Encl. Assurance of Payment Letter regarding FOIA Request No. EPA-R9-2019-006208.